

BWW#: 155373

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
Harrisonburg Division

IN RE:

Case No. 13-51553-RBC

DAWN M. COSME AKA DAWN COSME FKA
DAWN DAMBROSE FKA DAWN MARIE DAMBROSE
Debtor Chapter 7

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN
ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE
FOR SRMOF II REO 2013-1, C/O SELENE FINANCE LP
Movant

vs.

DAWN M. COSME AKA DAWN COSME FKA
DAWN DAMBROSE FKA DAWN MARIE DAMBROSE
Debtor/Respondent
and
BOB STEVENS (384920)
Trustee/Respondent

**MOTION FOR RELIEF FROM AUTOMATIC STAY SUBSEQUENT TO
FORECLOSURE SALE**

COMES NOW, U.S. Bank Trust National Association, not in its individual capacity, but solely as Trustee for SRMOF II REO 2013-1, c/o Selene Finance LP (the "Movant"), by and through undersigned counsel, Andrew Todd Rich and BWW Law Group, LLC and files this Motion for Relief from the Automatic Stay Subsequent to Foreclosure Sale (the "Motion"), and in support of this Motion, the Movant respectfully represents as follows:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157.
2. On or about December 27, 2013, Dawn M. Cosme aka Dawn Cosme fka Dawn Dambrose fka Dawn Marie Dambrose (the "Debtor") filed a voluntary petition for relief in this Court under Chapter 7 of the United States Bankruptcy Code (the "Bankruptcy Petition").
3. Bob Stevens (384920) is the Trustee of the Debtor's bankruptcy estate.
4. The Debtor previously owned a parcel of real estate located in Charles County, Maryland, and improved by a residence known as 5635 River Road, Bryans Road, MD 20616 (the "Property").
5. The Property was encumbered by a Deed of Trust dated January 23, 2008, securing the Movant, and recorded among the land records of the jurisdiction in which all or part of the Property lies (the "Deed of Trust"). A copy of the Deed of Trust is attached hereto.

6. The Deed of Trust secures payment of a promissory note in the original principal amount of \$324,495.00 payable to Movant (the "Note"). A copy of the Note is attached hereto.

7. On or about October 16, 2012, Equity Trustees, LLC was appointed Substitute Trustee under the terms of the Deed of Trust. A copy of the Appointment of Substitute Trustee is attached hereto.

8. On or about December 03, 2013, due to a continuing default under the terms of the Note and Deed of Trust, Equity Trustees, LLC conducted a trustee's foreclosure sale of the Property (the "Foreclosure Sale").

9. The Movant was the purchaser of the Property at the Foreclosure Sale.

10. The Movant became the owner of the Property at the conclusion of the Foreclosure Sale, and the Movant is the current owner of the Property.

11. The Debtor's Bankruptcy Petition filed on December 27, 2013 was filed after the Foreclosure Sale was concluded.

12. The Debtor did not have an interest in the Property at the time that the Bankruptcy Petition was filed, and the Property did not become property of the Debtor's Bankruptcy estate when the current bankruptcy case was commenced.

13. The Movant has been and continues to be irreparably injured by the automatic stay imposed by 11 U.S.C. §362(a) of the U.S. Bankruptcy Code, which may prevent the Movant from enforcing certain rights.

14. The Movant desires to obtain relief from automatic stay for the purpose of proceeding with an action in state court to obtain possession of the Property. Cause exists to modify the automatic stay imposed by 11 U.S.C. §362(a) of the U.S. Bankruptcy Code to enable the Movant to proceed with any action under state law as may be necessary to obtain possession of the Property.

15. Pursuant to the Debtor's filed statement of intention, the Debtor intends to surrender her interest in the Property.

WHEREFORE, the Movant prays that this Court:

1. Enter an order granting the Motion pursuant to 11 U.S.C. §362(d), to enable the Movant, to proceed with any action to obtain possession of the Property as permitted by applicable state law; and

2. Grant such other and further relief as may be just and necessary.

NOTICE TO ALL PARTIES SERVED:
YOU SHALL HAVE FOURTEEN (14) DAYS
FROM THE DATE OF SERVICE OF THIS
MOTION IN WHICH TO FILE WITH THE
COURT A WRITTEN RESPONSE, WITH
A COPY TO THE MOVANT.

Dated: January 20, 2014

Respectfully Submitted,
BWW Law Group, LLC

/s/ Andrew Todd Rich, Esq.
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Attorney for the Movant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 20th day of January, 2014 that the following person(s) were or will be served a copy of the foregoing Motion for Relief from Automatic Stay Subsequent to Foreclosure Sale via the CM/ECF system or by first class mail, postage prepaid:

Bob Stevens (384920), Trustee
501 Grove Avenue
Charlottesville, VA 22902

Jeremy Calvin Huang, Esq.
7753 Inversham Drive #228
Falls Church, VA 22042

Dawn M. Cosme aka Dawn Cosme fka Dawn Dambrose fka Dawn Marie Dambrose
5635 River Road
Bryans Road, MD 20616

Dawn M. Cosme aka Dawn Cosme fka Dawn Dambrose fka Dawn Marie Dambrose
214 Dewberry Drive
Winchester, VA 22602

/s/ Andrew Todd Rich
Andrew Todd Rich